

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOCKET NO. 04-CV-10924-NMG

PETER MOREY, D.V.M.
998 Bedford Road
Carlisle, MA 01741

Plaintiff,

v.

HEALTHY PET CORPORATION OF
MASSACHUSETTS
998 Bedford Road
Carlisle, MA 01741

and

HEALTHY PET CORPORATION
1720 Post Road
Fairfield, CT 06430

Defendant.

**JOINT MOTION TO CONTINUE THE PRETRIAL,
TRIAL DATE AND DISCOVERY**

Now come the parties in the above matter and move this Court to continue the
Pretrial date currently set for December 15, 2005 at 3:00 p.m., the Trial date currently set
for February 6, 2006 at 9:00 a.m. and discovery.

As grounds therefore, the parties state as follows:

1. Lengthy settlement negotiations have taken place but unfortunately no
settlement has been achieved.
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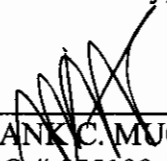
2. Once it was determined that settlement was not possible, the parties scheduled many depositions for December 19, 20 and 21, 2005 of various parties of the Defendant and various former employees of the Defendant.
3. This is the first request made to continue any dates, and it is necessary in order to ensure that adequate discovery is conducted and the case can be heard on its merits.

This is a joint Motion by all parties insofar as they believe it is in the best interest of this case to have these dates continued.

WHEREFORE, the parties request the continuance of a minimum of 3 months in order to complete their discovery and put themselves in a position to have a productive Pretrial Conference and establish a Trial date.

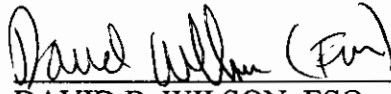
Dated: Orchard Park, New York
December 12, 2005

Plaintiff,
DR. PETER MOREY,
By his Attorney,



FRANK C. MUGGIA, ESQ.
BBO # 555199
FRANK C. MUGGIA & ASSOCIATES
6438 West Quaker Street
Orchard Park, New York 14127
(716) 667-9700

Defendant,
HEALTHY PET CORPORATION,
By its Attorney,

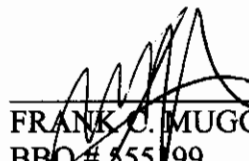
A handwritten signature in black ink, appearing to read "David Wilson (For)".

DAVID B. WILSON, ESQ.
BBO # 548359
ROBINSON & COLE, LLP
One Boston Place
Boston, MA 02108-4404
(617) 557-5935

CERTIFICATE OF SERVICE

I, Frank C. Muggia, do hereby certify that on the 12th day of December, 2005, a copy of the Joint Motion to Continue the Pretrial, Trial Date and Discovery was served upon the following:

David B. Wilson, Esq.
Robinson & Cole, LLP
One Boston Place
Boston, MA 02108-4404



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